

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

\$24,230.00 IN U.S. CURRENCY,

Defendant.

CIVIL NO. 19-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico; Hector E. Ramirez-Carbo, Assistant United States Attorney, Chief, Civil Division and Maritza González, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

This is a civil action in rem brought to enforce the provisions of 18 U.S.C. §1956, and 981(a)(1)(A) and 21 U.S.C. §881(a)(6).

DEFENDANT IN REM

The defendant property seized by United States Immigration and Customs Enforcement, Homeland Security Investigations (“ICE-HSI”) agents consists of: \$24,230.00 in U.S. Currency.

JURISDICTION AND VENUE

This Court has subject matter jurisdiction over an action commenced by the United States pursuant to 18 U.S.C. §981(a)(1)(A) and 21 U.S.C. §881(a)(6).

This Court has in rem jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and § 1355 (b)(1)(B) (the defendant currency is found in this district).

Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and §1395 (the defendant currency is found in this district).

BASIS FOR FORFEITURE

This is a civil action in rem brought to enforce the provisions of 18 U.S.C. §981(a)(1)(A) – The following property is subject to forfeiture to the United States: (A) Any property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property; and 21 U.S.C. §881(a)(6) – Forfeitures - All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter).

FACTS

The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the 28 U.S.C. §1746 unsworn declaration of the ICE-HSI, Special Agent, Zorelie Baez attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant currency be issued; that due notice be given to all parties to appear and show cause why

the forfeiture should not be decreed; that judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 18th day of January 2019.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

s/ Hector E. Ramirez-Carbo

Hector E. Ramirez-Carbo
Assistant U.S. Attorney
Chief, Civil Division
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s/ M. Gonzalez

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Fax. (787) 771 4050
Email: maritza.gonzalez@usdoj.gov

VERIFIED DECLARATION

I, Maritza Gonzalez-Rivera, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by 28 U.S.C. §1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the ICE-HSI; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 18th day of January 2019.

s/M Gonzalez

Maritza González-Rivera
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Zorelie Baez, Special Agent, ICE-HSI, declare as provided by 28 U.S.C §1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 18th day of January 2019.



Zorelie Baez
Special Agent
Immigration and Customs Enforcement
Homeland Security Investigations

UNSWORN DECLARATION UNDER PENALTY OF PERJURY
TITLE 28, UNITED STATES CODE §1746

Pursuant to 28 U.S.C. § 1746, I, Zorelie E. Báez Aguayo, a Special Agent for the United States Department of Homeland Security, Homeland Security Investigations (HSI), declare the following:

PROFESSIONAL BACKGROUND

I am employed as a Special Agent with the United States Department of Homeland Security, HSI, San Juan. As a Special Agent, my job and responsibilities include conducting investigations of alleged manufacturing, distributing or possession of controlled substances (21 U.S.C. § 841 (a)(1)); importation of controlled substances (21 U.S.C. § 952 (a)); false statements (18 U.S.C. § 1001).

I attended the Federal Law Enforcement Training Center in Glynco, Georgia, where I completed the Criminal Investigator Training Program and the U.S. Customs Special Agent Training. I am currently assigned to the Airport Investigations Tactical and Tactical Team (AIRTaT) where investigations are conducted related to violations of Titles 18, 19, 21, and 31, United States Code.

Because this unsworn declaration is submitted for a limited purpose, I have not included details of every aspect of this investigation. I am thoroughly familiar with the information contained in this unsworn declaration, either through personal investigation or through discussions with other law enforcement officers who have interviewed individuals or personally obtained information, which they, in turn, have reported to me.

ITEM TO BE FORFEITED

This unsworn declaration is offered in support of a civil complaint for the forfeiture of the following seized property: **\$24,230.00 in US Currency.**

FACTS

On October 23, 2018, Homeland Security Investigations (HSI), Airport Investigations and Tactical Team (AirTaT) agents were conducting random inspections on inbound flights arriving at the Luis Muñoz Marín International Airport (LMMIA) from the Continental United States (CONUS). While inspecting Jetblue Airlines flight #1233 from Orlando, Florida to the LMMIA, passenger Emmanuel MARTINEZ-Vega was randomly selected for inspection. MARTINEZ-Vega was asked if he was transporting a large amount of currency. MARTINEZ-Vega stated that he had \$7,000.00 USC.

Puerto Rico Police Department (PRPD) Officer D. Maldonado (#23415) conducted a dog sniff inspection with his service K-9 Blue (#3300) of the luggage carried by MARTINEZ-Vega. K-9 Blue alerted positive to the odor of narcotics on MARTINEZ-Vega's luggage. HSI AirTaT agents escorted MARTINEZ-Vega to the AirTaT offices for a full inspection. HSI AirTaT agents requested consent to from MARTINEZ-Vega to inspect the luggage and he granted consent. Upon arriving to the Custom and Border Protection Federal Inspection Site, MARTINEZ-Vega changed his claim and stated to AirTAT Officers that he had \$22,000.00. A thorough inspection of MARTINEZ-Vega's luggage, belongings and person revealed an approximate total of \$24,230.00 in U.S. currency bundled amongst a pair of jeans within the luggage.

The currency denomination is as follows:

- 33 x \$100 bills = \$3,300.00
- 21 x \$50 bills = \$1,050.00

- 994 x \$20 bills = \$19,880.00

Subsequently, HSI agents conducted an interview of MARTINEZ-Vega. During the interview, MARTINEZ-Vega stated that he was unsure of the total amount of money he had in his luggage. At first, MARTINEZ-Vega said that he was transporting the currency on behalf of his father, as part of his father's company. Later during the interview, MARTINEZ-Vega stated that the currency came from his business as a lottery slot-machine operator, and then said he now owns his father's business due to his father being in prison.

Puerto Rico Treasury Department and AirTAT officers conducted a follow up interview with MARTINEZ-Vega regarding local tax implications. MARTINEZ-Vega stated he sold cars and had been doing for three (3) years. MARTINEZ-Vega claimed the owner of the company, M&M Entertainment, was his father (Manuel Martinez-Maldonado). MARTINEZ-Vega claimed he earns \$6,000.00 per month; he admitted that he does not possess a commercial registration as required by Puerto Rico; that he has not filed income taxes from his earnings; and that he has more or less 70 slot machines, which also require registration, by the government of Puerto Rico.

HSI agents verified MARTINEZ-Vega's father's information and confirmed that his father, Manuel Martinez-Maldonado, was arrested by HSI on May 2012, convicted for: 21 U.S.C. § 963, Attempt and Conspiracy; 21 U.S.C. §952, Importation of Controlled Substances; and 21 U.S.C. §§ (a)(1) and (b)(1(B), Exportation of Controlled Substances, and sentenced to one hundred and twenty (120) months in prison.

Furthermore, the Puerto Rico Department of Treasury (Hacienda) did not have any records demonstrating that MARTINEZ-Vega had ever filed income tax returns with Hacienda and had never reported any taxable income with the government of Puerto Rico.

This Unsworn Declaration is submitted in support of a Complaint for Forfeiture In Rem, which involves the offenses detailed in Section 881(a)(6) of Title 21, United States Code, particularly the all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter; and 18 U.S.C. § 981(a)(1)(A), which states that it is subject to forfeiture any property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property.

Based on my training and experience, and the facts concerning this investigation, the undersigned submits that the \$24,230.00 in US Currency is forfeitable as illegal proceeds pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881(a)(6).

Sworn and signed under penalty of perjury, pursuant to 28 U.S.C. § 1746.

Executed in San Juan, Puerto Rico this 18th day of January 2019.



HSI Special Agent Zorelie E. Báez Aguayo

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maritza González-Rivera, AUSA, 350 Carlos Chardon Ave, Suite
1201, Hato Rey, PR 00918

DEFENDANTS

\$24,230.00 IN U.S. CURRENCY

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Title 21, United States Code, Section 881(a)(6); Title 18, United States Code, Sections 1956 and 981(a)(1)(A).

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 01/18/2019

SIGNATURE OF ATTORNEY OF RECORD

s/Maritza González

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court for the District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

U.S. v. \$24,230.00 IN U.S. CURRENCY,

2. Category in which case belongs: (See Local Rules)

☒ X

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ X

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ X

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ X

NO

(Please Print)

USDC ATTORNEY'S ID NO.

USDC # 208801

ATTORNEY'S NAME:

Maritza González-Rivera

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

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